

Appl. No. 10/723,738  
Amendment dated January 30, 2006  
Reply to Office Action of September 30, 2005

ACH2973US

### **REMARKS**

#### **The Claims**

Claims 1 and 10 are amended to clarify that the silica-alumina molar ratio of at least 40 is the bulk silica-alumina molar ratio. This amendment is supported by the specification as filed; see, e.g., page 4, lines 16 – 19.

Claim 2 is amended to remove the words "In particular exhaust gas from a diesel or gasoline engine".

Claims 7 – 9 and 12 – 14 are withdrawn from consideration.

#### **Comments**

Applicants hereby affirm the election, with traverse, to prosecute the invention of Group I, claims 1 – 6 and 10 – 11.

#### **35 USC 112**

Applicants have amended claim 2 in order to overcome the rejection under 35 USC 112.

#### **35 USC 102**

Claims 1 and 3 are rejected under 35 USC 102 as being anticipated by Gioffre et al. Claim 1 as now amended, and thus claim 3, which depends from claim 1, require a zeolite Y that has a bulk silica-alumina molar ratio (SAR) of at least 40. Gioffre et al. disclose, among other things, use of a molecular sieve having a framework  $\text{SiO}_2/\text{Al}_2\text{O}_3$  molar ratio (SAR) of from 200 – 500 (see, e.g., col. 2, lines 44 – 47). It is known that a bulk SAR (or overall SAR) is not the same measurement as a framework SAR (or SAR of the crystalline framework). Gioffre et al. do not mention use of a zeolite Y that has a bulk SAR of at least 40. Thus, Gioffre et al. do not

Appl. No. 10/723,738  
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teach each and every element of claims 1 and 3 as now amended.

Applicants respectfully request removal of the 35 USC 102 rejection in view of Gioffre et al.

Claims 1 – 6 and 10 – 11 are rejected under 35 USC 102 as being anticipated by WO 95/15208. Claims 1 and 10, as now amended, and thus claims 2 - 6, which depend from claim 1, and claim 11, which depends from claim 10, require a zeolite Y that has a bulk silica-alumina molar ratio (SAR) of at least 40. WO 95/15208 discloses, among other things, use of a zeolite having a framework molar  $\text{SiO}_2/\text{Al}_2\text{O}_3$  ratio (SAR) of greater than 10 (see, e.g., page 4, lines 3 - 4). It is known that a bulk SAR (or overall SAR) is not the same measurement as a framework SAR (or SAR of the crystalline framework). WO 95/15208 does not mention use of a zeolite Y that has a bulk SAR of at least 40. Thus, WO 95/15208 does not teach each and every element of claims 1 – 6 and 10 – 11, as now amended.

Applicants respectfully request removal of the 35 USC 102 rejection in view of WO 95/15208.

### **35 USC 103**

Claims 1 – 6 and 10 – 11 are rejected under 35 USC 103 as being unpatentable over WO 95/15208 in view of Cooper et al. Claims 1 and 10, as now amended, and thus claims 2 - 6, which depend from claim 1, and claim 11, which depends from claim 10, require a zeolite Y that has a bulk silica-alumina molar ratio (SAR) of at least 40. As stated in regard to the 35 USC 102 rejection in view of WO 95/15208, WO 95/15208 discloses, among other things, use of a zeolite having a framework molar  $\text{SiO}_2/\text{Al}_2\text{O}_3$  ratio (SAR) of greater than 10 (see, e.g., page 4, lines 3 - 4). It is known that a bulk SAR (or overall SAR) is not the same measurement as a framework SAR (or SAR of the crystalline framework). WO 95/15208 does not mention use of a zeolite Y that has a bulk SAR of at least 40. Thus, WO 95/15208 does not teach each and every element of claims 1 – 6 and 10 – 11, as now amended. Further, Applicants' opinion is that claims 1 – 6 and 10 – 11 are non-obvious over WO 95/15208 in view of Cooper et al.

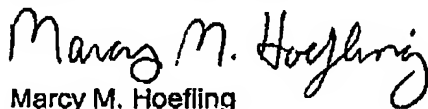
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Appl. No. 10/723,738  
Amendment dated January 30, 2006  
Reply to Office Action of September 30, 2005

Nr. 0787 P. 8/8  
ACH2973US

Applicants respectfully request removal of the 35 USC 103 rejection over WO  
95/15208 in view of Cooper et al.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.  
The Examiner is encouraged to contact Applicants' attorney should the Examiner wish  
to discuss this application further.

Respectfully submitted,



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Enclosure